

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

VICTORIA JEDROWICZ

v.

GIANT FOOD, INC., et al.

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Civil Action WMN-96-3562

FILED  
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VICTORIA JEDROWICZ

v.

GIANT FOOD, INC., et al.

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Civil Action WMN-98-3899

**MEMORANDUM & ORDER**

Before the Court are Plaintiff's Motions for Appropriate Relief (Civil Action WMN-96-3562, Paper No. 341 and Civil Action WMN-98-3899, Paper No. 53). In the motions, Plaintiff seeks the following forms of relief: (1) that the Clerk of the Court correct the record by striking the filing of Plaintiff's Memorandum of Points and Authorities in Support of Motion to Alter, Amend and Vacate Judgment and in the Alternative, Motion for Reconsideration (Paper No. 339) in the matter of WMN-96-3562 and have it filed in WMN-98-3899; (2) that the Court rule on Plaintiff's Motion to Alter, Amend and Vacate Judgment (Paper No. 49) which was filed in WMN-98-3899; and (3) that the Court's December 15, 2000 Order in WMN-96-3562 (Paper No. 340) be stricken or vacated.

In her motions, Plaintiff argues that, while her counsel made an error as to the caption on her Memorandum of Points and Authorities, the Court should have recognized the error and corrected it sua sponte by having the Memorandum counsel filed in WMN-96-3562 refiled in WMN-98-3899. The Court, however, is under

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no obligation to make such a correction. Instead, Plaintiff's counsel, upon recognizing the error, should have timely moved to strike the incorrectly filed Memorandum. Because she did not, it was appropriate for the Court to rule on the pending motion,<sup>1</sup> which the Court did in its December 15, 2000 Order. The effect of this Order was to deny a motion Plaintiff's counsel did not intend to file - and which would not have been filed but for Plaintiff's counsel's error. As Plaintiff has suffered no prejudice as a result, her third request for relief will be denied.

As to the first form of requested relief, Plaintiff's counsel, at the same time she filed the Memorandum in WMN-96-3562, filed an identical Memorandum in WMN-98-3899.<sup>2</sup> Therefore, as granting the requested relief would be duplicative, the request will be denied.

As to the second form of requested relief, this Court issued an Order on December 20, 2000, in which Plaintiff's Motion, in WMN-98-3899, to Alter, Amend and Vacate Judgment was denied.

Accordingly, IT IS this 5<sup>th</sup> day of January, 2001, by the United States District Court for the District of Maryland,  
ORDERED:

1. That Plaintiff's Motions for Appropriate Relief (Civil

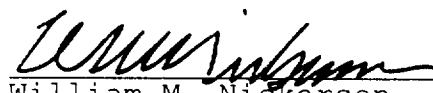
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<sup>1</sup>The Memorandum was docketed as a Motion with Memorandum in Support by Plaintiff to Amend, Alter, Vacate Order.

<sup>2</sup>This Memorandum, while incorrectly captioned as WMN-98-3988, was correctly placed in the WMN-98-3899 court file and was used by this Court in its consideration of Plaintiff's Motion to Alter, Amend and Vacate Judgment.

Action WMN-96-3562, Paper No. 341 and Civil Action WMN-98-3899, Paper No. 53) are hereby DENIED;

2. That the Clerk of the Court shall mail or transmit copies of this Order to all counsel of record.

A handwritten signature in black ink, appearing to read 'William M. Nickerson', is written over a horizontal line.

William M. Nickerson  
United States District Judge